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EXAMINER

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2615

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/647,999
Filing Date: August 26, 2003
Appellant(s): YOAKUM ET AL.

MAILED

FEB 23 2007

Technology Center 2600

John R. Witcher, III, Reg. No. 39,877
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 13 November 2006 appealing from the Office action mailed 31 October 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0120502 STRATHMEYER et al. 06-2004, filed 12-2002

2003/0023748 TAKEMOTO et al. 01-2003, filed 01-2002

AT&T All In One: Call Management Features [online], 2006 [retrieved on 24 April 2006].

Retrieved from http://www.att.com/smbcc/aio/aio_callmgmt.html. Section entitled Speed Dialing.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strathmeyer et al. (US Patent Application Publication 2004/0120502) in view of Takemoto et al. (US patent Application Publication 2003/0023748).**

Claim 1 is limited to *a method of facilitating speed dialing*. Strathmeyer discloses a method and apparatus for implementing call processing packet telephony networks.

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See Abstract. Figure 2 depicts the basic steps required for terminating a call setup request to a virtual telephone address over a packet-based network. In step (220), a softswitch device (125) of figure 1 receives a call initiation request from a gateway (120), including a telephone address, for example, a telephone number, entered by a user at one of devices (110A), (110B), or (110C), i.e. *PSTN-based telephony devices*. See paragraphs 43, 44, and 64. This telephone number corresponds to a *speed dial code* as it represents a shorthand representation of a URL that corresponds directly to the virtual telephone address. As stated in paragraph 44, the softswitch (125) translates/resolves the telephone number into the aforementioned URL, i.e. *accessing an address corresponding to a speed dial code*. Upon resolving the telephone number into the URL, the softswitch (125) forwards the call initiation request including the URL to call control proxy server (130) to complete the call setup as seen in steps 225-235, i.e. *sending a session initiation request including the address to initiate a voice session between a called party terminal associated with the address and the PSTN-based telephony device*. However, as correctly noted by the applicant on page 12 of the current response, Strathmeyer fails to disclose a speed dial code that comprises an *abbreviated telephone number sequence*.

Takemoto teaches an internet communication control apparatus and transmission control method. See Abstract. In one aspect of the invention, a dialed telephone number or fax number is translated into a destination IP address in an analogous manner as the system of Takemoto. In addition, Takemoto goes one step further and indicates that not only can a telephone number be used to index a

destination IP address, but a speed dial sequence comprising an *abbreviated telephone number sequence* as recited. See paragraph 26. The benefits of using speed dial codes comprising abbreviated telephone number sequences include reduced keystrokes for faster dialing and reduced effort in memorizing numbers.

It would have been obvious to one of ordinary skill in the art to recognize speed dial codes and translate them into destination IP addresses as taught by Takemoto to realize the above identified advantages.

Claim 2 is limited to *the method of claim 1*, as covered by Strathmeyer in view of Takemoto. Strathmeyer discloses in paragraph 44 that the softswitch (125) initially receives an SIP invite message including the dialed telephone number, i.e. *speed dial code*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 3 is limited to *the method of claim 2*, as covered by Strathmeyer in view of Takemoto. It is clear from figure 1 that the SIP invite message, i.e. session initiation request, received by the softswitch (125) is transmitted from the gateway device (120), i.e. *terminal adapter*, which translates PSTN signaling into packet signaling. See paragraphs 41 and 63. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 4 is limited to *the method of claim 2*, as covered by Strathmeyer in view of Takemoto. As indicated by Strathmeyer in paragraph 44, the softswitch (125) receives an SIP invite message, which inherently includes a first field designated as the called party address. The softswitch (125) is stated as resolving the address received in the

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initial invite message received by the gateway (120), so it follows that the telephone number, i.e. *speed dial code*, entered by the caller is actually in a *first field intended to contain the address*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 5 is limited to *the method of claim 4*, as covered by Strathmeyer in view of Takemoto. Since softswitch (125) must resolve the address within the received invite message from gateway (120), it inherently *determines that the first field of the initial session request includes the telephone number, i.e. speed dial code, instead of the address*. See paragraph 44. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 6 is limited to *the method of claim 5*, as covered by Strathmeyer in view of Takemoto. Strathmeyer discloses in paragraph 44 translating the called telephone number, i.e. *speed dial code*, received by the caller using softswitch (125), such that *the telephone number, i.e. speed dial code, in the initial session initiation request is replaced with the address to create the session initiation request*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 7 is limited to *the method of claim 6*, as covered by Strathmeyer in view of Takemoto. Clearly, the proxy and ACD circuitry can handle many session initiation requests from a plurality of users, such that a second session initiation request is handled in the same manner as the first, i.e. *receiving a second session initiation request and sending the second request to initiate a second voice session*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 8 is limited to *the method of claim 1*, as covered by Strathmeyer in view of Takemoto. Strathmeyer discloses in paragraph 44 using a database lookup in order to resolve the telephone number into a URL, where a database query inherently comprises a *request* and *reception* step. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 9 is limited to *a method of facilitating speed dialing* that encompasses essentially the same subject matter as claim 2, as covered by Strathmeyer in view of Takemoto, and is rejected for the same reasons.

Claim 10 is limited to essentially the same subject matter as claim 4, as covered by Strathmeyer in view of Takemoto, and is rejected for the same reasons.

Claim 11 is limited to *the method of claim 9*, as covered by Strathmeyer in view of Takemoto. Strathmeyer clearly depicts in figure 1 receiving a dialed telephone number from a caller over the PSTN using an analog telephone, inherently requiring that the telephone number, i.e. *speed dial code*, is received in the form of *dialed digits* over a *PSTN-based telephony line*. See paragraph 34. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 12 is limited to *a system for facilitating speed dialing*. The rejection of claim 1 clearly sets forth that Strathmeyer in view of Takemoto makes obvious the functions of this system for facilitating speed dialing. For clarity, the softswitch (125) and its associated interface with gateway (120) correspond to a *control system* and its *associated communication interface*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claims 13-19 are limited to essentially the same subject matter as claims 2-8, as covered by Strathmeyer in view of Takemoto, respectively, and are rejected for the same reasons.

Claim 20 is limited to a system for facilitating speed dialing. The rejection of claim 9 clearly sets forth that Strathmeyer in view of Takemoto makes obvious the functions of this system for facilitating speed dialing. For clarity, the gateway (120) and its associated interface with both the PSTN (115) and internal network domain (170) correspond to a *control system* associated with its *Internet Protocol communication interface* and its *PSTN-based telephony interface*. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claims 21 and 22 are limited to essentially the same subject matter as claims 10 and 11, as covered by Strathmeyer in view of Takemoto, respectively, and are rejected for the same reasons.

Claims 23, 24, and 26-29 are limited to essentially the same subject matter as claims 1, 2, 4-6 and 8, as covered by Strathmeyer in view of Takemoto, respectively, and are rejected for the same reasons.

Claim 25 is limited to *the method of claim 24*, as covered by Strathmeyer in view of Takemoto. In one example, any of callers (110A), (110B) or (110C) is using an SIP telephone, such that an initial session initiation request is generated by the phone directly and without conversion between a circuit and packet switched network domain, i.e. *wherein the initial session initiation request is received over an Internet Protocol*

based network from the telephony device. See paragraph 34. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 30 is limited to *a system for facilitating speed dialing.* The rejection of claim 23 clearly sets forth that Strathmeyer in view of Takemoto makes obvious the functions of this system for facilitating speed dialing. For clarity, the softswitch (125) and its associated interface with gateway (120) correspond to a *control system* and its *associated communication interface.* Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claims 31-36 are limited to essentially the same subject matter as claims 24-29, as covered by Strathmeyer in view of Takemoto, respectively, and are rejected for the same reasons.

Claim 37 is limited to a system for facilitating speed dialing. The rejection of claim 23 clearly sets forth that Strathmeyer in view of Takemoto makes obvious the functions of this system for facilitating speed dialing. For clarity, the gateway (120) and its associated interface with both the PSTN (115) and internal network domain (170) correspond to a *control system* associated with its *Internet Protocol communication interface* and its *PSTN-based telephony interface.* Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

Claim 38 is limited to essentially the same subject matter as claim 26, as covered by Strathmeyer in view of Takemoto, and is rejected for the same reasons.

Claim 39 is limited to *the method of claim 37,* as covered by Strathmeyer in view of Takemoto. Strathmeyer clearly depicts in figure 1 receiving a dialed telephone

number from a caller over the PSTN using an analog telephone, inherently requiring that the telephone number, i.e. *speed dial code*, is received in the form of *dialed digits* over a *PSTN-based telephony line*. See paragraph 34. Therefore, Strathmeyer in view of Takemoto makes obvious all limitations of the claim.

(10) Response to Argument

A. Introduction

The appellant asserts that the label “speed dial numbers” applies only to fully stored numbers that are actually dialed over a telephone line, while the recited label “speed dial code” applies directly to “abbreviated telephone numbers.” However, as will be shown below, the appellant’s conclusion cannot be maintained in view of art recognized definitions and reason regarding term usage in the applied prior art.

Since this issue is being raised for the first time in appeal, the examiner performed a Google search for the phrase “speed dial number,” which produced a link to the AT&T All in One Call Management Features webpage, submitted with this answer for the Board’s consideration (http://www.att.com/smbcc/aio/aio_callmgmt.html, viewed 04/24/2006). The webpage provided the following description of speed dialing: “Enter the one-digit Speed Dial number, 2 through 9, followed by the telephone number that you wish to assign to this code.” Not only does this excerpt highlight that the label “speed dial numbers” corresponds to “abbreviate telephone number sequences (i.e. 2 through 9), but that said label is analogous to the label “speed dial codes.”

The same Google search produced results consistent with the appellant's position; however, the conflict in term usage undergirds the lack of a specific art definition for the terms "speed dial numbers" and "speed dial codes." For at least this reason, the examiner's broadest and most reasonable interpretation of the claim language must be maintained.

B. Summary of the References

1. US Patent Application Publication No. 2004/0120502 to Strathmeyer

The appellant's synopsis of the Strathmeyer reference is generally correct.

2. US Patent Application Publication No. 2003/0023748 to Takemoto

The appellant's synopsis of the Takemoto reference is incorrect in its assertion that the "speed dial number" taught by Takemoto does not comprise an abbreviated telephone number sequence. As noted in section A, the phrase "speed dial number" is commonly used to refer to an abbreviated telephone number sequence and is analogous to the phrase "speed dial code."

Further consider the following synopsis of Takemoto: In operation, the communication control apparatus 1 receives an analog signal from either a telephone 2 or a facsimile apparatus 3. The signal represents a string of dialed DTMF digits. Examples of digits that can be decoded into IP addresses are illustrated in figure 4(c). It is enough at this point to see that the appellant's allegation is without merit; figure 4(c) clearly depicts both 7-digit telephone numbers and 6-digit speed dial numbers. A 6-digit number is abbreviated with respect to a 7-digit telephone number. See paragraphs 35

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and 36. Again, because of inconsistency in art definitions, this broad, yet reasonable, interpretation must be maintained.

For the sake of argument, assume the appellant's argument is valid: the control apparatus only receives full telephone numbers. Then there would be no difference in numbers stored within the telephone table of figure 4(c). However, this is not what is depicted. Furthermore, if only full numbers are stored, why does Takemoto even mention storing speed dial numbers? The appellant submits that Takemoto is merely discussing the case where a speed dialing telephone is connected to the control apparatus 1. Yet, this conclusion is the result of conjecture since Takemoto fails to stipulate the use of a speed dialing telephone. In truth, Takemoto discusses telephone numbers and speed dial numbers in parallel because Takemoto is supporting figure 4(c), which depicts full and abbreviated numbers. See paragraph 26.

C. Claims 1-39 are obvious in view of the combination of Strathmeyer and Takemoto

On page 5, line 28, through page 6, line 17, of the brief the appellant alleges that the Patent Office is misconstruing the term "speed dial number" in Takemoto as the "speed dial code" in each of the appellant's independent claims 1, 9, 12, 20, 23, 30 and 37. In support of this allegation, the appellant leaps into a baseless definition of the phrase "speed dial number" as used by Takemoto, asserting "this is the common meaning of a speed dial number."

The fact that the appellant has failed to support this allegation with proof notwithstanding, it was shown above in section A that the term "speed dial number" is

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analogous to "speed dial code;" both of which corresponding to "an abbreviated telephone number sequence." Furthermore, it was shown above in section B that figure 4(c) of Takemoto depicts 7-digit numbers and abbreviated 6-digit numbers stored in control apparatus 1 and not in peripheral telephone 2 or facsimile apparatus 3.

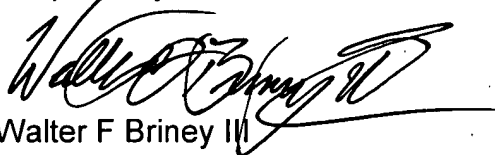
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

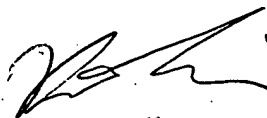


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